

***BRUNET & CO. LTD.***  
***10712 Melrose Dr. • Komoka, ON • N0L 1R0***  
***Ph: (519) 474-0700 • Fax: (519) 474-0800***

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**SEPTEMBER 26, 2008**

**To: Examiner Jamie McGowan**  
**Supervisory Examiner Thomas Will**

**FAX: 571-273-6998**  
**FAX: 571-273-5064**

**From: Robert Brunet**

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**RE:**

Appl. No.	:	10/521,804	Confirmation No.	3801
Applicant	:	Rozendaal, et al.		
Filed	:	01/21/2005		
TC/A.U.	:	3671		
Examiner	:	McGowan, Jamie Louise		
Docket No.	:	SFM-0001-US		
Customer No.	:	59115		

Please find attached some informal discussion points for our upcoming teleconference on Tuesday, September 30 at 9:00 AM.

**Re: Teleconference concerning 10/521,804 (Our Ref: SFM-0001)**

Dear Examiners McGowan and Will,

Thank-you for agreeing to a teleconference to discuss the most recent office action dated May 27 on the above-noted patent application. In particular, I would like to discuss with you your comments in item 7 concerning the affidavit evidence and reach agreement concerning claim amendments that would allow you to consider that evidence in relation to the 37 CFR 103 rejection of claim 51. I believe that the amendment proposed below places the claim in conformance with the affidavits and overcomes the 103 and 102 rejections.

**51. (currently amended) A conservation tillage implement comprising:**

- a) a cultivator frame;
- b) a plurality of individual coulter wheel assemblies;
- c) a mounting means corresponding to each individual coulter wheel assembly; and,
- d) four or more longitudinally spaced apart rows of laterally spaced apart individual coulter wheel assemblies, each coulter wheel assembly individually mounted to the frame using the mounting means and laterally spaced apart from adjacent coulter wheel assemblies ~~in order to~~ by an amount sufficient to reduce plugging of crop residue between the coulter wheels. (see Boak, item 11 and Bohner, page 1, Methods)

The proposed amended claim now reflects the implement described in the affidavits and addresses your comments in item 7 concerning the breadth of the previous claim. The cited passages in the affidavit evidence speak loudly as to the "unexpected advantage" and "unique" nature of the claimed implement. In addition, Boak item 20 speaks to the commercial success of the claimed implement. You can refer to the comments accompanying our RCE submission for a more complete discussion of the affidavits.

I would also like to point out that neither Dietrich (6,896,068) nor Kovach (6,681,868) teach or suggest an implement with four or more rows of coulter wheel assemblies. Despite reading both references, I could find no passage in either Dietrich or Kovach that discusses plugging of the apparatus with crop residue. Consequently, there is no suggestion in either reference of the amount of spacing required to address plugging.

I therefore believe that the two proposed amendments, especially when read in conjunction with the cited passages from the affidavit evidence, address the 102 and 103 rejections against claim 51.

I would also like to discuss the following as potential dependent claims, since they relate directly to evidence of non-obviousness provided in the cited passages of the affidavits.

**79.** (currently amended) The conservation tillage implement of claim 51, wherein the implement is able to be operated at shallow depths of less than 4-6" for seedbed preparation. (see Boak, item 10 and Bohner, page 1, Methods)

**81.** (new) The conservation tillage implement of claim 51, wherein the coulter wheel assemblies are laterally adjustable and wherein a lateral spacing between adjacent coulter wheel assemblies is adjustable by a farmer according to soil, moisture or crop residue conditions by an amount sufficient to reduce plugging of crop residue between the coulter wheels. (see Boak, item 20 and Bohner, page 1, Methods)

**82.** (new) The conservation tillage implement of claim 51, wherein each coulter wheel assembly is able to deflect upwardly in response to impact with an obstacle by an amount sufficient to permit the implement to operate at speeds of 8 to 12 mph without damaging the implement upon impact. (see Boak, item 17 and Bohner, page 1, Methods)

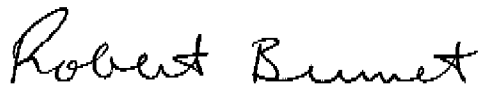
Finally, I would also like to discuss the following dependent claims.

**83** (new) The conservation tillage implement of claim 51, wherein the rows do not comprise individual field working tools.

**75.** (previously presented) The conservation tillage implement of claim 51, wherein a coulter wheel assembly in a given row is staggered with respect to the coulter wheel assemblies in a longitudinally adjacent row.

I am looking forward to speaking with both of you and hopefully reaching agreement on allowable claim scope.

Sincerely,

A handwritten signature in black ink that reads "Robert Brunet". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Robert Brunet